

# **Stormwater Rulemaking Owner/Developer Questionnaire Webcast October 14, 2010**

**US Environmental Protection Agency**



# Guide to Our Webcasts –

For Technical Support Click the “[Help](#)” Button

- **To Ask a Question** – Type your question in the text box located in the lower left-hand corner of your screen and click on the “Submit Question” button
- **To Answer Poll Question** – Click on the radio button to the left of your choice and click submit. Do not type your answer in the “Ask a Question” box
- **To See Closed Captioning** – Turn your pop-up blocker off and click on the “closed captioning” button
- **To Complete the Evaluation** – Answer questions in the slide window

# What is the Stormwater Rulemaking Information Collection Request (ICR)?

- The stormwater ICR consists of six different questionnaires:
  - Long owner/developer questionnaire
  - Short owner/developer questionnaire
  - NPDES permitting authority questionnaire
  - Municipal Storm Sewer Systems (MS4) questionnaires: 3 versions
- What is the purpose of the Stormwater ICR?
  - The purpose of the ICR is to collect information to help EPA assess whether it should revise its existing stormwater requirements, and if so, how and to what extent it should revise these requirements
  - More specifically, the purpose is to collect baseline information to inform EPA's analyses of a possible stormwater rulemaking proposal

# **Why is EPA Collecting Information from Owners/Developers as Part of this ICR?**

- As part of its stormwater rulemaking, EPA is considering establishing a standard to control long term stormwater discharges (i.e., post construction discharges) from new and redevelopment sites
- The information collected in the owner/developer questionnaire will inform EPA's consideration of that standard

# What Type of Information is EPA Collecting?

- Type/location/size/identification of development/redevelopment projects
- Stormwater conveyance and discharge location for these projects
- Land cover areas both pre- and post-development including percent imperviousness
- Long term stormwater best management practices and controls, including design criteria, specifications, and cost information, including both the capital cost of installation and operation and maintenance costs if available
- Stormwater permit and management requirements
- Information on design credits or incentives (or impediments) associated with implementing stormwater retention practices

# **What Type of Information is EPA Collecting (Continued)?**

- Financial Information
  - Parent company financial information
  - Business level financial information
  - Project level financial information

# What will EPA do with the Information it Collects from the Owner/Developer Questionnaires?

- EPA will use the technical data collected in the Owner/Developer Questionnaires to establish a baseline of current of long term stormwater discharge practices and controls at new and redevelopment projects
- EPA will use the project level data to develop a national distribution of projects based on critical characteristics (e.g. size, value, percent imperviousness, previous land use)
- Together, this information supplemented with other data (e.g. capital cost), will be used to assess the incremental costs, benefits, and economic impacts associated with various regulatory options for standards for long term stormwater discharges

# **Why Does EPA Need Financial Information and How Will it be Protected?**

- EPA will use the financial information to characterize the economic status of owners and developers that could be subject to new stormwater management requirements and estimate the impact of compliance costs on these entities
- Respondents may claim financial information to be Confidential Business Information (CBI)
- EPA takes protection of CBI seriously and follows strict plans and procedures to ensure its protection



# How Did EPA Select Owner/Developer Questionnaire Recipients?

- EPA began with a master list of businesses it obtained from the Dun and Bradstreet Database with primary and/or secondary North American Industry Classification System (NAICS) codes of interest
- EPA placed each business into one of four groups by NAICS code
- EPA identified over 700,000 businesses that met these criteria

# How Did EPA Select Owner/Developer Recipients (continued)?

Groups	Type	NAICS Code	Description
Residential	1: Single Family	236115	New single family housing construction
	2: Multi-Family	236116	New multi-family housing construction
	3: Operative Builders	236117	New housing operative builders
	4: Land Subdivision	237210	Land subdivision
Property Management	5: Property Management	523920	Portfolio management
		531110	Residential real estate lessors
		531120	Nonresidential real estate lessors
Non-Residential	6: Non-Residential	236210	Industrial building construction
		236220	Commercial & institutional building construction
Transportation/Engineering	7: Transport./Engineer.	237310	Highway, street & bridge construction
		237990	Other heavy and civil engineering construction

# How Did EPA Select Owner/Developer Questionnaire Recipients (continued)?

- EPA then labeled each business as small, medium, or large by annual sales figures and systematically selected businesses from each group across size and geographic location
- EPA selected just under 3,000 businesses
- Within each NAICS grouping:
  - one-third of the businesses selected received the full questionnaire
  - remaining two-thirds of businesses selected received a short questionnaire (comprised of a subset of questions from the full questionnaire)
- The notifying letter indicates whether you were selected to complete the long or short questionnaire
- Survey ID also identifies survey type
  - Long questionnaire begins with LODQ
  - Short questionnaire begins with SOQQ

# **Is This Questionnaire Voluntary and How Do I Know My Due Date?**

- This questionnaire is mandatory
  - All businesses selected to receive the questionnaire must respond
  - Non-respondents may be subject to significant monetary penalties
- Responses are due 60 calendar days from notification
- Contact the helpline if you do not know your due date

# Definitions

- Owner
  - The firm, individual, or institutions for which the construction project is/was undertaken
  - Businesses that purchase unfinished lots and build upon them are also considered to be owners
- Developer
  - A person, business, or partnership that controls project design and/or land development activities associated with a project. The developer may make improvements to land parcel(s) owned by the developer or on behalf of a separate owner-entity (e.g., the developer may be the land owner's agent)
  - This definition does not include businesses that only build houses on a contractual basis

# Definitions (continued)

- Builder
  - A person, business, or partnership that builds houses or other structures on properties they own during the building construction phase of the project
  - This definition does not include businesses that only build houses or other structures on a contractual basis and do not take ownership of the lots on which they build

# **Screening Question**

## **Has Your Business Obtained NPDES Permit Coverage?**

- Question 3: During calendar years 2005-2009 was your business an owner or operator of at least one construction project that (1) disturbed 1 or more acres of land, or (2) disturbed less than one acre of land that was a part of a larger common plan of development or sale that disturbed one or more acres of land, or (3) was covered by a local or state NPDES permit for construction site stormwater discharge?
  - Projects meeting criteria 1 and 2 are required to obtain NPDES permit coverage for stormwater discharges, or would be required to do so in the absence of a project specific waiver
  - Criterion 3 addresses projects required to obtain NPDES stormwater permit coverage under potentially more stringent state and local criteria

# **Screening Question**

## **Does Your Business Perform the Applicable Type of Activity?**

- Question 4: During calendar years 2005 – 2009, indicate if your business engaged in any of the following activities
  - Land development (including land subdivision)
  - Single-Family Residential Construction
  - New Multifamily Residential Construction
  - Commercial and Institutional Construction
  - Transportation (Highway, Road, or Bridge) Construction
  - Industrial Construction
  - Pipelines (e.g., water, sewer, oil or gas)
  - Underground or Overhead Utilities (e.g., telecommunications, electric transmission cables)
  - Other
  - No construction or land development



# **Screening Question**

## **Does Your Business Have an Ownship Stake in Any of its Projects?**

- Question 5: During calendar years 2005 – 2009, was your business an owner, developer, or builder of at least one project during either its land development phase or its building construction phase (either as the sole responsible party or as a participant in a joint venture or other multiple party structure)?
- Most General Contractors would answer no to Question 3 or Question 5

# **Screening Question**

## **Did Your Business Only Participate in Very Small Projects?**

- Question 6: During calendar years 2005 – 2009, was your business an owner, developer, or builder of at least one project during either its land development phase or its building construction phase (either as the sole responsible party or as a participant in a joint venture or other multiple party structure) that resulted in the installation of 5,000 square feet or more of new impervious surfaces (roads, roofs, parking lots, etc.)?

# **Where Do I Return My Completed Questionnaire?**

U.S. Environmental Protection Agency  
Owner Developer Questionnaire  
c/o Eastern Research Group, Inc.  
14555 Avion Parkway, Suite 200  
Chantilly, VA 20151-1102

# Who Can I Contact with Questions?

- Questionnaire Helpline
  - [ODSurveyHelp@erg.com](mailto:ODSurveyHelp@erg.com)
  - Toll free phone number is 1-(877)797-5643
- EPA
  - Janet Goodwin ([goodwin.janet@epa.gov](mailto:goodwin.janet@epa.gov))
  - Jan Matuszko ([matuszko.jan@epa.gov](mailto:matuszko.jan@epa.gov))
  - Jesse Pritts ([pritts.jesse@epa.gov](mailto:pritts.jesse@epa.gov))
  - Todd Doley ([doley.todd@epa.gov](mailto:doley.todd@epa.gov))

# Questions

**5 Minute Break**

The Webcast has Ended